

LIBEL FILED: July 5, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 2, 1949, by the Killashun Sales Division, from Akron, Ohio.

PRODUCT: 60 gross of *prophylactics* at Boston, Mass. Examination of samples showed that 6 percent were defective in that they contained holes or were brittle.

LABEL, IN PART: "Silver-Tex Prophylactic Mfd. By The Killian Mfg. Co., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements "Prophylactic," "Prophylactics" and "Electronically Tested * * * For Your Protection" were false and misleading as applied to the article, which contained holes and was brittle.

DISPOSITION: August 30, 1949. Default decree of condemnation and destruction.

2881. Adulteration and misbranding of prophylactics. U. S. v. 78 Cartons, etc. (F. D. C. No. 27585. Sample Nos. 63618-K, 63619-K.)

LIBEL FILED: July 19, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about February 9 and November 13, 1948, by the Killashun Sales Div., Inc., from Akron, Ohio.

PRODUCT: *Prophylactics*. 78 cartons, each containing 12 packages of 1 dozen and 196 cartons each containing 48 packages of $\frac{1}{4}$ dozen at Tampa, Fla. Examination of samples indicated that 36.1 percent of the 78-carton lot and 24.3 percent of the 196-carton lot were defective in that they contained holes or were otherwise defective.

LABEL, IN PART: "Texide Prophylactics Mfd. By L. E. Shunk Latex Prod. Inc., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements, "Prophylactic," "Prophylactics," "Electronically Tested," and "For Your Protection," were false and misleading as applied to an article which contained holes or was otherwise defective.

DISPOSITION: September 22, 1949. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

2882. Misbranding of Gramer's Sulgly-Minol. U. S. v. 88 Bottles, etc. (F. D. C. No. 27560. Sample Nos. 50471-K, 50472-K.)

LIBEL FILED: July 22, 1949, Eastern District of Washington.

ALLEGED SHIPMENT: By Walter W. Gramer, from Minneapolis, Minn. The product was shipped on or about May 26, 1949, and a number of circulars and leaflets were shipped on or about May 26 and June 7, 1949.

*See also Nos. 2873, 2876, 2878-2881.